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APR 02 2007

OFFICE OF PETITIONS

In re Application of	:	
Kempf, et al.	:	
Application No. 10/802,829	:	DECISION ON PETITION
Filed: March 18, 2004	:	
Attorney Docket No. 7050.US.02	:	

This is a decision on the petition under 37 CFR 1.53, filed February 27, 2007, to accord the above-identified application a filing date of March 18, 2004, with 6 sheets of drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 18, 2004. However, on June 1, 2004, the Initial Patent Examination Division mailed Applicants a "Notice of Incomplete NonProvisional Application." Applicants were notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicants filed the instant petition. Applicants maintain that the application as originally filed included 6 pages of drawings. In support thereof, applicants submitted a

postcard receipt identifying this application, itemizing "Drawings (6 Pages)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of March 18, 2004, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the \$400 petition fee has been refunded to Deposit Account No. 01-0025.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of March 18, 2004, using the application papers received in the Office on that date and the 6 pages of drawings as re-supplied on petition filed August 3, 2004, and for indication in Office records that 6 sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions